



PATENT  
Attorney DN 03M1630

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph E. Musil, et al

Group Art Unit: 3671

Serial No.: 10/605,249

Examiner: R. Addie

Filed: September 17, 2003

For: MULTI-USE PAVING TRACTOR WITH TOOL ATTACHMENTS

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April 14, 2005

DECLARATION OF CHARLES MACKER

I am employed as an engineer for Cedarapids Inc. I have a B S degree in MECHANICAL engineering from IOWA STATE. I have worked for 30 years in the design of paving equipment. I consider myself to be a person skilled in the art of paving equipment design.

I have reviewed the above captioned patent application.

I believe that any person skilled in the art of paving equipment design would understand that the pull arm is capable of being adjusted up and down thereby adjusting the location of the connection point with respect to the chassis of the vehicle.

This point is made clear in several places in the application which includes the following excerpts:

The following excerpt is found on the bottom of page 7 and the top of page 8 of the application

“Hydraulic cylinders 1034 and 1035 or other mechanism for manipulating pull arm 103 between various raised and lowered positions are also shown. *In a preferred arrangement, the pull arm 103 can be raised or lowered to engage tool attachments*, discussed in detail below. While it may be preferred to utilize dual pull arms 103 on each side, it should be understood that a centrally disposed pull arm or group of centrally disposed pull arms could be used as well. *The pull arm 103 is preferably movable, but it should be understood that it could be a simple fixed connection point disposed on the tractor 100.* .....

Appropriate driver controls 125 may be included to assist in the manipulation of pull arm 103 and upper link 104.” (emphasis added)

Additionally: Claim 15 as originally filed includes the following:

*"a vertically adjustable arm, coupled to said chassis for providing movement of a connection point thereon;*

a hydraulic system, coupled to said chassis, and receiving power from said engine, said hydraulic system for assisting vertical adjustment of said vertically adjustable arm;"(emphasis added)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated at Cedar Rapids, Iowa, this 14<sup>th</sup> day of April, 2005.

Signature Charles Macku Date 4/14/2005  
Printed Name CHARLES MACKU